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No. 71-1234

In the Supreme Court of the United States

OCTOBER TERM, 1971

ROBERT E. KENNEDY, PETITIONER

v.

COMMISSIONER OF INTERNAL REVENUE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR THE RESPONDENT IN OPPOSITION

ERWIN N. GRISWOLD,
Solicitor General,
Department of Justice,
Washington, D. C. 20530.

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The judgment of the court of appeals was entered on December 22, 1971. The 90-day period for filing a petition for a writ of certiorari prescribed by 28 U.S.C. 2101(c) expired on March 21, 1972, and no extension of time was granted. The petition was filed on March 28, 1972. Since the 90-day time limi-

[1] We are advised by the Clerk's office that petitioner's typewritten petition and "Motion to Dispense Temporarily with the Requirement for Printing" were filed out of time on March 24, 1972. His printed petition was filed on March 28, 1972.

tation is jurisdictional, the petition is untimely and should be denied.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

APRIL 1972.

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